

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW MEXICO**

WILLIAM RHEA AND ANTONIO PEREZ,  
*Individually and on behalf of others similarly situated,*

Plaintiffs,

v.

No. 2:23-cv-921 DLM/KRS

DIESEL ROUSTABOUT SERVICES, LLC,

Defendant.

**SCHEDULING ORDER**

**THIS MATTER** comes before the Court following a telephonic Rule 16 scheduling conference held on February 27, 2024. At the hearing, the Court adopted the parties' proposed Joint Status Report and Provisional Discovery Plan, with slight modifications, as reflected in the dates below:

Accordingly, **IT IS HEREBY ORDERED** that the parties shall adhere to the following discovery plan:

- (a) Maximum of twenty-five (25) interrogatories by each Plaintiff and opt-in Plaintiff to Defendant and by Defendant to each Plaintiff and opt-in Plaintiff, with responses due thirty (30) days after service.
- (b) Maximum of twenty-five (25) requests for admission by each Plaintiff and opt-in Plaintiff to Defendant and by Defendant to each Plaintiff and opt-in Plaintiff, with responses due thirty (30) days after service.
- (c) Maximum of ten (10) depositions by Plaintiffs and ten (10) by Defendant. Each deposition will not exceed the number of hours as prescribed in the Federal Rules of Civil Procedure.

**IT IS FURTHER ORDERED** that the following case management deadlines shall govern:

- (a) Deadline for Plaintiffs to amend pleadings and join additional parties pursuant to Federal Rule of Civil Procedure 15: **June 3, 2024**;
- (b) Deadline for Defendants to amend pleadings and join additional parties pursuant to Federal Rule of Civil Procedure 15: **July 1, 2024**;
- (c) Stipulation for conditional certification, if any: **June 25, 2024**;
- (d) Termination of discovery for collective certification: **July 1, 2024**;
- (e) Plaintiffs' Motion for Conditional Certification, if not stipulated: **July 15, 2024**;
- (f) Deadline for expert reports for merits issues: **November 4, 2024** (for both parties);
- (g) Termination of discovery for Plaintiffs' individual claims and non-expert merits issues, including depositions: **November 4, 2024**;
- (h) Deadline for discovery motions for merits issues: **November 25, 2024**;
- (i) Deadline for supplementing discovery/disclosures: Due within thirty (30) days after information or documents giving rise to need to supplement are discovered, but no later than 30 days before trial;
- (j) All other motions:<sup>1</sup> **December 5, 2024**;
- (k) Pretrial order: To be set by the presiding judge.

**IT IS FURTHER ORDERED** that the Court must approve any changes to the timing or scope of discovery, other than the parties' agreement to extend the length of a deposition made during the deposition in question. Requests by a party to change the timing or scope of discovery, other than a mutual agreement to extend a deposition reached during the deposition,

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<sup>1</sup> This deadline applies to motions related to the admissibility of experts or expert testimony that may require a *Daubert* hearing, but otherwise does not apply to motions *in limine*. The Court will set a motions *in limine* deadline in a separate order.

must be made by motion and before the termination of discovery or the expiration of any applicable deadline. Discovery must be completed on or before the termination of the discovery deadline. A written discovery request must be propounded by a date which ensures that the response to that request is due on or before the discovery deadline. The parties are further reminded that the cutoff for motions related to discovery does not relieve the party of the twenty-one (21) day time period under Local Rule 26.6 to challenge a party's objections to answering discovery. The parties are encouraged to review Federal Rule of Civil Procedure 26(a)(2) to ensure they properly disclose *all* testifying witnesses, not just those for whom a report is required.

A handwritten signature in dark ink, reading "Kevin Sweazea". The signature is fluid and cursive, with the first name "Kevin" and last name "Sweazea" clearly distinguishable.

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KEVIN R. SWEAZEA  
UNITED STATES MAGISTRATE JUDGE